

15. The method of claim 14, wherein one or more dosages of said test agent are sequentially administered and the temperature of the organ for each dose is determined.

16. The method of claim 14, wherein temperature is measured at one or more time points after administration of the test agent.

REMARKS

Claims 1 through 12 were originally submitted in this application. Claims 1 through 8 were withdrawn from further consideration after a restriction requirement was made, leaving claims 9 through 12 for consideration in this application. New claims 13 through 16 are additionally presented for consideration, but raise no new issues of prior art or support in the disclosure of the specification.

Claims 9 through 12 all are presently under rejection.

Claims 9 through 12 are firstly under rejection under 35 U.S.C. section 112, first paragraph, as not being enabled for methods of determining the temperature of internal tissues or organs comprising the step of replacing a portion of skin in a region of the body in proximity to the tissue or organ with an infrared-invisible polymer and measuring said temperature using infrared thermography in any subject other than mice. The Patent Office has, though, found the claims to be enabled for methods of determining the temperature of internal tissues or organs comprising replacing a portion of skin in a region of the body in proximity to the tissue or organ with an infrared invisible polymer and measuring said temperature using infrared thermography in mice.

Claims 9 through are secondly under rejection under 35 U.S.C. section 112, second paragraph for indefiniteness for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants wish to draw the Patent Office's attention to reference made in the specification to not only the use of mice in experiments using the claimed invention, but rats as well, at page 35.

Applicants submit that claims 9 through 12 are not limited to being enabled only to mice, as persons of ordinary skill in this art will be able to determine without undue experimentation how to prepare test animals across the spectrum of available test animals. Persons of ordinary skill in the art will readily appreciate that the area of skin to be surgically excised and its proximity to the internal organ or tissue of interest, will be analogous to the area and proximity of skin otherwise prepared by pre-scanning protocols such as simple shaving which is done prior to other radiographic procedures.

Applicants submit the same argument with respect to the section 112 second paragraph rejections and objections, additionally noting that the time intervals in question are always a function of the agent or ligand being studied and of the organ or tissue being studied. Since the researcher or investigator will be looking for time-related data, there can be no limitation on when one or more data points are generated by the taking of infrared scans, and one of ordinary skill in the art will have no difficulty interpreting the claim on that basis. To the extent they may have any difficulty in knowing when and how often to take a scan, it will be based on the properties of the agent or ligand being studied, which is independent of the invention as claimed. The study or experiment will be designed around what is known about the absorption, distribution, time of onset, duration of action, metabolism, and excretion of the agent or ligand or around the physiology of the tissue or organ. In short, the person of ordinary skill uses the invention whenever and how often it suits them to do so.

Applicants respectfully submit that claims 9 through 12 satisfy the requirements of 35 U.S.C. section 112, both first and second paragraphs. Withdrawal of the rejections is respectfully requested. Newly submitted claims 13 through 16 are seen to fully meet all rejections and objections previously raised by the Patent Office, and raise no issues of new matter, being fully supported by the originally submitted specification and claims.

All of claims 9 through 16 are seen to be in condition for allowance and the application is therefore seen to be in condition for allowance, which is earnestly requested.

Respectfully submitted,



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